

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

KEVIN PATRICK BIRD,

Plaintiff,

v.

Civil Action No. 2:17-cv-3058

NANCY A. BERRYHILL,
Acting Commissioner of the
Social Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendations of United States Magistrate Judge Cheryl A. Eifert, entered on June 14, 2018; and the magistrate judge having recommended that the court deny the plaintiff's request for judgment on the pleadings, grant the defendant's request to affirm the final decision of the Commissioner, and affirm the final decision; and no objection having been filed to the Proposed Findings and Recommendations, it is ORDERED that:

1. The findings made in the Proposed Findings and Recommendations of the magistrate judge be, and they hereby are, adopted by the court and incorporated herein;

2. The plaintiff's request for judgment on the pleadings be, and it hereby is, denied;

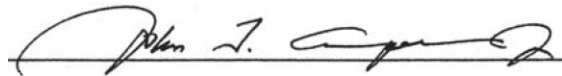
3. The defendant's request to affirm the decision of the Commissioner be, and it hereby is, granted;

4. The final decision of the Commissioner be, and it hereby is, affirmed; and

5. This action be, and it hereby is, dismissed and removed from the docket of the court.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and United States Magistrate Cheryl A. Eifert.

DATED: July 11, 2018

A handwritten signature in dark ink, appearing to read "John T. Copenhaver, Jr.", is written over a horizontal line.

John T. Copenhaver, Jr.
United States District Judge